

CHAPTER 106B. DOGS IN OUTDOOR FOOD AND LIQUOR ESTABLISHMENTS

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106B.01. Statement of Legislative Purpose and Intent. Minnesota Statutes Section 157.175, subd. 1, states that a home rule charter city may adopt an ordinance to permit food and beverage service establishments to allow dogs to accompany persons patronizing designated outdoor areas of food and beverage establishments. State law provides for a permit process and minimum requirements to be followed if such an ordinance is adopted. The City of Rochester Common Council adopts this chapter in furtherance of the authority provided by Minn. Stat. §157.175.

106B.02 Definitions. Subdivision 1. For purposes of this Chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein.

Subd. 2. The term “Dangerous and Potentially Dangerous Dog” has the meaning specified in Minnesota Statutes Section 347.50 and Chapter 106A of this Code.

Subd. 3. The term “Designated Outdoor Dog Area” means a specifically identified and defined outdoor area located on the premises of a licensed food or liquor establishment which has been approved by the City Clerk.

Subd. 4. The term “Food Establishment” means an establishment licensed by the Olmsted County Public Health Department to serve food to the public.

Subd. 5. The term “Liquor Establishment” means an establishment licensed by Chapter 125A of this Code.

Subd. 6. The term “Other Person in Charge” has the meaning specified in the Minnesota Clear Indoor Act Rules, Minnesota Rules, Part 4620.0100, subpart 10.

Subd. 7. The term “Outdoor Area” means any area utilized for food or beverage service and consumption located on the licensed premises of a Food or Liquor Establishment, but shall not include any “indoor area” as that term is defined by Minnesota Statutes, Section 144.413.

Subd. 8. The term “Outdoor Dog Permit” means a permit issued under this chapter that allows a Food or Liquor Establishment to allow dogs to accompany persons patronizing a Designated Outdoor Dog Area.

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Subd. 9. The term “Proprietor” has the meaning specified by the Minnesota Clean Indoor Air Act Rules, Minnesota Rules, part 4620.0100, subpart 13.

106B.03. Designated Outdoor Dog Areas Authorized. Subdivision 1. A licensed Food and Liquor Establishment shall be eligible to apply for an Outdoor Dog Permit to allow dogs to accompany persons patronizing a Designated Outdoor Dog Area. The Designated Outdoor Dog Area shall be limited to an approved Outdoor Area. An Outdoor Dog Permit shall be valid for one day.

Subd. 2. An applicant seeking approval for a Designated Outdoor Dog Area shall provide the following required information on an application as required by the City Clerk:

- A. The name, location, and mailing address of the establishment;
- B. The name, mailing address, and telephone contact information of the applicant;
- C. A description of the Designated Outdoor Area in which the applicant intends to allow dogs; and
- D. A description of the date and time that patrons’ dogs will be permitted in the Designated Outdoor Area.

Subd. 3. An Outdoor Dog Permit is not transferable or assignable.

Subd.4. The fee for an Outdoor Dog Permit is \$15.

106B.04. Minimum Requirements. Subdivision 1. Any Food or Liquor Establishment possessing an Outdoor Dog Permit must comply with the requirements of subdivision 2 which must be clearly printed on a sign within the Designated Dog Area in a manner and place that is conspicuous to employees and patrons. Additionally, a clearly printed sign shall be posted within the entry of the establishment that indicates where dogs area allowed on the premises.

Subd. 2. Minimum requirements for an Outdoor Dog Permit are as follows:

- A. Employees are prohibited from touching, petting, or otherwise handling dogs. Should any employee inadvertently touch or otherwise handle a dog, the employee must promptly wash and clean their hands and exposed portions of their arms.

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- B. Employees and patrons must not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
- C. Patrons must keep their dogs on a leash at all times and must keep their dogs under reasonable control.
- D. The establishment shall provide an adequate number of water dishes for the sole use of dogs.
- E. Dogs must not be allowed on chairs, tables, or other furnishings.
- F. Dog waste must be cleaned immediately and the area sanitized.

Subd. 3. Additional minimum requirements for an Outdoor Dog Permit are as follows:

- A. There must be a separate entrance to the Designated Outdoor Area so dogs cannot enter through the Food Establishment to reach an Outdoor Area.
- B. No food preparation, including the mixing of drinks, may be performed in the Designated Outdoor Area except that a beverage glass may be filled from a pitcher or other container that has been filled or otherwise prepared inside the Food Establishment.
- C. The Proprietor or Other Person in Charge must develop and enforce a policy that requires employees to wash their hands immediately after touching a dog. The policy must include inadvertent touching as employees are prohibited from having any contact with dogs.
- D. A dog owner must immediately clean dog waste and then sanitize the area with an approved product.
- E. Food and Liquor Establishments must keep a kit containing cleaning and sanitizing supplies in the Designated Outdoor Area for use by a dog owner.
- F. No person may give any food to any dog while in the Designated Outdoor Area except a dog owner may feed his or

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her own dog treats and water in disposable dishes provided by the Food or Liquor Establishment that are discarded after use.

106B.05. Prohibitions. Patrons must abide by the following requirements when bringing dogs into establishments with a Designated Outdoor Dog Area:

- A. Dangerous and Potentially Dangerous Dogs shall not accompany patrons into the establishment.
- B. All dogs must be licensed and restrained by a leash as required by chapter 106A.

106B.06. Exceptions. Nothing in this chapter shall be construed to limit:

- A. The right of a person with disabilities to access places of public accommodation while accompanied by a service animal as provided in Minnesota Statutes sections 256C.02 and 363A.19; or
- B. The lawful use of a service animal by a licensed peace officer.

106B.07. Violations and Penalties. Subdivision 1. It is a violation of this chapter for the Proprietor or Other Person in Charge of any premises subject to this chapter to fail to comply with any requirement of this chapter.

Subd. 2. It is a violation of this chapter for a patron of any premises subject to this chapter to fail to comply with the requirements of section 106B.05.

Subd. 3. A violation of this chapter may be enforced administratively pursuant to chapter 5 of this Code.

Subd. 4. A violation of this chapter shall be adequate grounds for the denial, refusal to renew, revocation, suspension, or placement on probation of the Outdoor Dog Permit or the Liquor Establishment's liquor license.

(4086, 9/17/12)